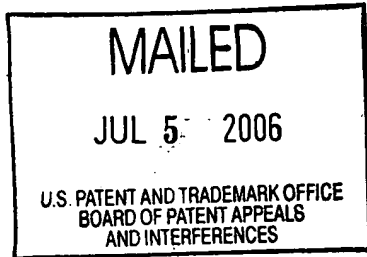


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte SCOTT C. MILLER  
KENNETH B. HIGGINS

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Application 09/864,478

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on June 7, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed September 28, 2001. It is not apparent from the record that the examiner considered the statement submitted nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application 09/864,478

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner for consideration of the Information Disclosure Statement, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By 

DALE M. SHAW

Deputy Chief Appeal Administrator  
(571) 272-9797

GJH

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